

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	CASE NO.: C-1-01-649
Plaintiffs,	:	Judge Spiegel
		(Magistrate Black)
vs.	:	
CITY OF SHARONVILLE, OHIO, et al.	:	RESPONSE OF DEFENDANTS
		CITY OF SHARONVILLE, OHIO,
Defendants.	:	SCHAPPA AND NUSS TO MOTION
		FOR PROTECTIVE ORDER OF
		<u>NON-PARTY WITNESS DORNING</u>

Non-party witness Dale Dorning has filed a motion for a protective order by which he requests that this Court issue an Order “. . . preventing him from being deposed any further.” This is the response of Defendants City of Sharonville, Schappa and Nuss to that motion.

Mr. Dorning is one of the more significant witnesses, if not the most significant witness, in this case. It is Mr. Dorning who conducted the almost three year investigation of whether Defendant Cramer conducted the alleged coverup that is the subject of this case, and he is the author of a voluminous report relating to that investigation. Further, as part of that investigation Dorning interviewed many people and reviewed hundreds of pages of documents. For these reasons, it is not surprising that the amount of time it has taken for him to get up to speed on the investigation and for the deposition itself is well over 7 hours. However, Mr. Dorning has been very cooperative and reasonable, and it is understandable that he would like to end or limit his deposition.

These Defendants have not yet had the opportunity to question Mr. Dorning. Despite this, if this Court decides that Mr. Dorning’s deposition should be terminated at this time, they will not object. However, if this Court decides that one or more of the other parties shall have additional time to question Mr. Dorning, these Defendants request that they be allowed 2 hours

to question Mr. Dorning.

RESPECTFULLY SUBMITTED:

s/Brian E. Hurley

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CERTIFICATE OF SERVICE

I hereby certify that on February 18, 2005, a copy of the forgoing was filed electronically. Notice of this filing will be sent to all registered parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/Brian E. Hurley

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